

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

HARRY SANTIAGO FELICIANO

DEBTOR(S)

CASE NO. 19-05016
CHAPTER 13

**OBJECTION TO TRUSTEE'S RESPONSE IN OPPOSITION TO CONVERSION TO
CHAPTER 13 AND REQUEST FOR RECONSIDERATION**

TO THE HONORABLE COURT:

COMES NOW, debtor(s) through the undersigned attorney, and respectfully, prays and states as follows:

1. Chapter 7 Trustee's action to take over the vehicle was premature in light that the court has not determined that security interest is not valid without a proceeding before it.

2. However, in the event that lien is void debtor will be able to pay the liquidation value of the vehicle through the Chapter 13 plan. As such, creditors would receive the same amount or more of the liquidation value of the vehicle.

3. Per docket #14, debtor has amended the bankruptcy exemptions from Puerto Rico to federal and this change has substantially reduced the liquidation value of the vehicle.

4. The action of the Chapter 7 Trustee to request the turnover of the motor vehicle was premature and in bad faith, since the

conversion to Chapter 13; and the amendment of the bankruptcy exemptions to federal ones, would allow the debtor to retain the vehicle and pay to creditors the liquidation value of the property through the Chapter 13 Plan.

5. Debtor has amended the Schedule J to show that since he will not need to make the car payments to Popular Auto, he will have the necessary disposable income to make the Chapter 13 plan payments.

6. This conversion to Chapter 13 was done by Debtor in Good Faith, with the intent to pay the liquidation value or more of the vehicle to his creditors.

7. Chapter 7 Trustee's request that if debtor fails to confirm a plan the case should be converted to Chapter 7, and not be dismissed, has no basis, since such actions will be against the protections of debtor in the Bankruptcy Code.

WHEREFORE, the debtor(s) respectfully request that this Honorable Court take acknowledge the above indicated.

NOTICE

"Parties in interest are hereby granted fourteen (14) days from the date of this notice to request hearing. If no opposition is filed within the prescribed period, the Court will enter an order granting the motion upon the filing of a certificate by the movant that adequate notice was given. Should an opposition be timely filed the Court will schedule the motion for a hearing as a contested matter. Absent good cause, untimely rejections should be denied."

I hereby certify: That on September 30, 2019 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: **José R. Carrión Morales.** I hereby certify that I have mail by the United States Postal Service the document to the following non CM/ECF participants: **to all creditors.**

In Ponce, Puerto Rico, this 30th day of September 2019.

RESPECTFULLY SUBMITTED.

/s/Rafael Colón Flores
Rafael Colón Flores
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